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RUEAIIA/CIA WASHDC 0333
RHEHNSC/NSC WASHINGTON DC 0481

C O N F I D E N T I A L TASHKENT 001225

SIPDIS

DEPT FOR SCA, DRL, INL, AND G/TIP
DEPT FOR G/TIP MEGAN HALL; INL FOR ANDREW BUHLER

E.O. 12958: DECL: 10/24/2018
TAGS: [PHUM](#) [KCRM](#) [KWMN](#) [PGOV](#) [PREL](#) [SOCI](#) [UZ](#)
SUBJECT: UZBEKISTAN: OFFICIALS CITE AREAS FOR HUMAN RIGHTS
COOPERATION

REF: A. TASHKENT 1163
[1](#)B. TASHKENT 1155

Classified By: POLOFF R. FITZMAURICE FOR REASONS 1.4 (B, D)

[1](#)1. (C) Summary: During a six-day visit to Uzbekistan, DRL Foreign Affairs Officer Rachel Waldstein met on September 22 with the Human Rights Ombudsman, the National Human Rights Center director, and Ministry of Interior officials. The officials emphasized legal reforms the government had undertaken in the past year, including the adoption of new laws on habeas corpus and human trafficking. MOI officials also reported that their Ministry had created a new human rights department to investigate citizen complaints; noted that the government planned to open new shelters for trafficking victims in several regions of the country; and touted two new laws that strengthen the rights of detainees and their lawyers. Despite their occasional bluster, the officials also identified possible areas of cooperation on human rights, particularly in helping to implement the government's recent legal reforms. Waldstein's visit sets the stage for higher-level DRL contact with the government on human rights issues, and we believe a visit by the DRL Assistant Secretary or PDAS may help pave the way for such human rights cooperation to be realized. End summary.

MEETING WITH HUMAN RIGHTS OMBUDSMAN

[1](#)2. (C) On September 22, Waldstein met with Human Rights Ombudsman Sayyora Rashidova and her deputy Maruf Usmanov. Rashidova explained that her office focuses on four areas: 1) ensuring that Uzbek legislation meets international standards; 2) hearing citizen complaints of human rights violations; 3) raising the public's awareness of human rights; and 4) fostering cooperation with international bodies. In addition to its main office in Tashkent, the Ombudsman has branches in each of Uzbekistan's regions.

HEARING CITIZEN COMPLAINTS...

¶3. (C) Rashidova observed that her office hears on average about 50 to 60 citizen complaints each working day. In contrast to a few years ago, when 60 percent of the complaints were related to law enforcement activities, Rashidova reported that the majority of complaints today revolved around economic concerns (Comment: While Rashidova was most likely citing this information as evidence of the effectiveness of her organization in promoting law enforcement reform, the shift in complaints also may indicate that citizens have lost faith in the ability of her office to successfully intervene in such cases. In addition, the increase in economic grievances might be reflective of the country's worsening socio-economic conditions, which are driving large numbers of Uzbeks to seek work in Kazakhstan and Russia. End comment.)

¶4. (C) Interestingly, Rashidova admitted that her office was "not a strong institution," as it could not directly intervene on behalf of citizens in Uzbekistan's legal system. Instead, she explained that her office forwards citizen complaints, along with its recommendations, to the appropriate government bodies for their consideration.

PRISON VISITS AND PLAN FOR "PRISON OMBUDSMEN"

¶5. (C) Rashidova reported that over the past year, her office has co-sponsored a series of conferences with Germany's Adenauer Foundation and the Organization for

Security and Cooperation in Europe (OSCE) on prisoner rights for law enforcement officials in Uzbekistan's regions, each of which was then followed by a joint monitoring visit to a local prison. Rashidova added that her office concluded its own agreement with the Ministry of Internal Affairs (MOI) to conduct monthly prison visits. According to Rashidova, the MOI also supported her plan to create "prison ombudsmen" at three detention facilities: the Tashkent Women's Prison Colony, the Tashkent Juvenile Detention Facility, and a pre-trial detention facility in Bukhara. She also reported that her office was currently cooperating with the National Human Rights Center and the United Nations Children's Fund (UNICEF) on creating an Ombudsman for Children's Rights.

CITES U.S. COOPERATION, PRAISES AMERICAN BAR ASSOCIATION

¶6. (C) Rashidova explained that shortly after her office was created in 1995, she participated in a U.S.-funded trip to study human rights institutions in the United States. She also praised the assistance her office received from the American Bar Association (ABA) (Comment: ABA, along with many other international NGOs, was forced to depart Uzbekistan following the 2005 Andijon events. ABA continues to operate programs in Uzbekistan from its office in Almaty, Kazakhstan.

We believe that ABA may have the best chance of being allowed to return to Uzbekistan at some point, as it often mentioned in a positive light by government officials. Nevertheless, the GOU recently denied a request by diplomatic note for ABA to administer a habeas corpus-related project with INL funds. End comment).

MEETING WITH NATIONAL HUMAN RIGHTS CENTER CHAIRMAN

¶7. (C) Waldstein met next with National Human Rights Center Chairman Akmal Saidov, who also ran as an "independent" candidate in the 2007 Presidential Election. Saidov explained that since his Center was created in 1996, it has raised awareness regarding legal reforms undertaken by the government; drafted national reports on human rights in line with Uzbekistan's international treaty obligations; and evaluated Uzbekistan's legislation to ensure that it meets international standards. Saidov observed that his Center had written reports this year for the August 2008 UN Convention for the Elimination of All Forms of Discrimination Against

Women (CEDAW) committee meeting and the upcoming UN Human Rights Council Third Universal Periodic Review, which will take place in December.

RAISING AWARENESS OF, AND LOBBYING FOR, LEGAL REFORMS

¶18. (C) Saidov observed that his Center was involved in raising awareness regarding the legal reforms undertaken by the government during the past year. Saidov said that his Center had played a key role in drafting a recently adopted National Action Plan on implementing the ILO conventions, adding that he personally met with the ILO's Secretary General in Geneva last March. Saidov also reported that his Center, in conjunction with UNICEF, was currently lobbying for the government to adopt two facultative protocols to the Convention on the Rights of the Child, namely the Optional Protocol on the Involvement of Children in Armed Conflict and the Optional Protocol relating to the Sale of Children, Child Prostitution, and the Utilization of Children in Pornography.

¶19. (c) Comment: While some observers previously have dismissed the National Human Rights Center as ineffective, it has received praise for its cooperation with international

organizations, including UNDP and UNICEF. Most recently during a meeting with Waldstein on September 23, UNDP officials identified the Center as a key partner for its human rights-related programs, which it plans to ramp up next year. End comment.)

GOVERNMENT OPEN TO "CONSTRUCTIVE DIALOGUE" ON HUMAN RIGHTS

¶10. (C) Saidov emphasized that Uzbekistan was open to "constructive dialogue" on human rights. He indicated that assistance in implementing Uzbekistan's habeas corpus law was

a possible area of cooperation, admitting that Uzbekistan "has a lot to learn from the United States" on the issue. Saidov observed that not all judges and prosecutors were ready to implement the habeas corpus law and suggested that they could benefit from additional training provided by the international community. Saidov also indicated that implementation of the ILO child labor conventions was another area of possible cooperation.

GOVERNMENT SUPPORT OF NGOS TOUTED

¶11. (C) Saidov argued that the government was making progress in supporting the work of NGOs. He noted that in July, a special Parliament Commission - one-third of whose members are NGO representatives - was created to manage a new government fund to support NGOs. Saidov reported that the government provided NGOs with 2.1 billion soums (1.61 million dollars) in funding in 2007 and had already provided 2.3 billion soums (1.76 million dollars) in funding this year (Comment: It is still unclear whether only government-controlled NGOs may apply for funding through the commission. Many government-controlled NGOs engage in substantive work in Uzbekistan, and several have received funding through the Embassy's Democracy Commission over the years. As funding sources for Uzbek NGOs are extremely limited, any increase in funding for NGOs, whether independent or government-controlled, would be welcome. Nevertheless, some observers have expressed concern that the government, by offering increased funding, is attempting to make NGOs more dependent on the state. End comment.)

SAIDOV CRITICAL OF HUMAN RIGHTS REPORT

¶12. (C) The tone of the meeting turned slightly combative when Saidov criticized the U.S. State Department's Human Rights Report as a "political tool used to pressure countries" like Uzbekistan. Saidov said he read the report's

chapter on Uzbekistan every year and claimed that "only the names" and "perhaps 5 percent of the text" changed from year to year. Waldstein said she was pleased to hear that Saidov read the report so carefully each year and assured him it was intended to be an objective and balanced report that noted both positive and negative developments.

MEETING AT MINISTRY OF INTERNAL AFFAIRS

¶13. (C) Afterwards, Waldstein met several officials at the Ministry of Internal Affairs (MOI), including Human Rights and Judicial Support Department Deputy Director Abdugafur Sattarov, Internal Affairs Director Bakhrom Aparatov, Main Investigatory Department Senior Investigator Danelyn Frik, and Main Investigatory Department Press Secretary Sarvar Usmanov. The MOI's "Na Postu" newspaper later published a short article about the meeting on September 28.

MOI CREATES NEW HUMAN RIGHTS DEPARTMENT

¶14. (C) Sattarov explained that he was appointed deputy director of a newly-created human rights department within the MOI, which is tasked with monitoring human rights issues; supervising the implementation of laws; cooperating with NGOs and international organizations; investigating citizen complaints against law enforcement officials; and conducting prison visits. In addition to its main office in Tashkent, Sattarov said that his department planned to open regional branches throughout Uzbekistan. The creation of the MOI's new human rights department was widely reported in the state-controlled media during September and October. The OSCE office in Tashkent later confirmed that the creation of the MOI's human rights departments was a new development and an OSCE-supported project.

¶15. (C) Sattarov reported that the MOI received 100 citizen complaints against law enforcement officials in 2007, and so far had received 22 complaints in the first eight months of ¶2008. Sattarov also shared with Waldstein a pamphlet on detainee rights that the MOI published with support from the National Human Rights Center and the American Bar Association, which he explained was given to all individuals detained by the MOI.

¶16. (C) Sattarov admitted that the MOI faces "many problems and challenges," including corruption within its ranks. Aparatov explained that he worked for a special internal affairs unit within the MOI that is responsible for investigating allegations of corruption against MOI officials.

NEW LAWS AFFECTING DETAINEES AND DEFENSE ATTORNEYS

¶17. (C) Frik reported that the protection of constitutional rights remained a priority for the MOI and the government as a whole. In addition to the abolishment of the death penalty and the adoption of the habeas corpus law, Frik also referred to two new laws ("On Strengthening the Role of Defense Attorneys in the Judicial Process," which was signed by President Karimov in mid-September, and "On the Bar Association," which has been passed by the lower house of Parliament and is similar to a decree that President Karimov issued in May), which he said strengthened the rights of detainees and their defense attorneys. According to Frik, the laws included provisions that detainees and witnesses can only be interrogated in the presence of a defense attorney; that detainees cannot be forced to sign any documents without first meeting with a defense attorney; and that individuals have the right to call a defense attorney after they are detained.

¶18. (C) During a meeting on September 23, members of the Tashkent Bar Association - including Chairperson Gulnora Ishankhanova - shared their opinions of the new laws with

Waldstein. On one hand, the members described the new laws as "revolutionary," as they now gave defense attorneys rights "equal to those of prosecutors." They confirmed that the laws ensured that detainees could not be interrogated before meeting with a defense attorney, who could then observe the interrogation. In addition, any written confessions now must be signed in the presence of a defense attorney. The new laws also provide detainees with "Miranda Rights," as authorities must now inform detainees of their rights, including their right to remain silent. Moreover, the laws also allow defense attorneys to challenge expert analysis provided by prosecutors.

¶19. (C) The Tashkent Bar Association members also shared

their criticism of the new laws. Their chief complaint was that the new laws effectively destroyed the independence of the National Bar Association and its regional branches, including the Tashkent Bar Association. Previously, the bar associations were able to choose their own leadership. However, the laws created a new "National Chamber of Lawyers," whose leadership is to be appointed by the Ministry of Justice. The National Chamber will then select the chairpersons of its regional branches, including the Tashkent Bar Association (Ishankhanova was uncertain whether the Tashkent Bar Association would continue as a voluntary association alongside a new government-controlled Tashkent Chamber of Lawyers, or whether it would be subsumed into the new organization.) Membership in the Chamber of Lawyers will now be mandatory for all licensed defense attorneys, and only licensed defense attorneys will be allowed to represent clients in a court of law (Note: Unlicensed individuals, usually human rights activists, could previously represent individuals in court as "public defenders." Human rights activists and others will still be able to observe trials, but will no longer be able to defend individuals without a license. However, on October 23, poloff observed a trial in which a local human rights activist was still able to serve as a public defender. End note.) The Tashkent Bar Association members were also concerned about the degree to which the positive aspects of the laws would actually be implemented, noting that Uzbekistan had a poor record with implementing reforms. They also explained that defense attorneys were not always independent and sometimes collaborated with prosecutors to the detriment of their clients.

¶20. (C) While they believed that the adoption of the habeas corpus law was an essentially positive step, the Tashkent Bar Association members continued to have concerns about its implementation. For example, they were critical of the training so far provided to judges and prosecutors on the new law, which they described as voluntary and substandard.

¶21. (C) During the meeting with the MOI officials on September 22, Waldstein observed that one concern raised by international experts regarding the habeas corpus law is that it allowed police to hold individuals for as long as 72 hours without an arrest warrant and that the clock only began ticking after a suspect was brought to a police station. The officials agreed that the law could still be improved, explaining that there has been discussion of eventually lowering the time period to 48 hours, which they noted was the "international standard."

MOI PLANS TO SUPPORT OPENING OF NEW TRAFFICKING SHELTERS

¶22. (C) Sattarov stated that combating human trafficking and prostitution had become a top priority for the MOI, which was attempting to implement the best practices of international law enforcement agencies. In particular, Sattarov reported that the government was planning to open new shelters for trafficking victims in Tashkent and several different regions of the country. Sattarov explained that the details were still being finalized and noted that the shelters might be run by the MOI or another ministry, such as the Ministry of Health. He elaborated that the plan called for opening

separate shelters for juvenile, male, and female trafficking victims.

¶23. (C) On September 23, International Organization for Migration (IOM) Tashkent Deputy Director Liliya Khamzayeva confirmed to Waldstein that the government planned to open its own shelters for trafficking victims. She noted that there was need for additional shelters, as the country's two

existing shelters in Tashkent and Bukhara (both run by IOM with USAID-funding support) were usually filled to capacity. However, she was disappointed that authorities had not yet approached IOM for advice, noting that MOI officials had traveled abroad recently to study the operations of government-run shelters in other post-communist countries, including Russia (Comment: While we applaud the government's intentions to provide further assistance to victims, we agree that it should first consult with IOM before trying to open its own shelters. We also believe the government should consider providing direct financial support to the IOM-operated shelters, which may allow them to expand their operations. The reluctance of the government to provide support to genuinely independent organization is symptomatic of its general unwillingness to provide funding or support to any organization outside of its direct control. End comment.)

¶24. (C) In general, Khamzayeva praised the government's anti-trafficking efforts this year, including its adoption of an anti-trafficking law - which she described as "comprehensive" - and criminal code amendments which increased the maximum punishment for traffickers from five to 12 years' imprisonment. She observed that an especially positive aspect of the amendments was that they deleted reference to the word "deceit" in the section of the criminal code dealing with trafficking. The inclusion of the term had previously made it very difficult to prosecute trafficking offences, as prosecutors needed to prove that individuals had been deliberately misled into being trafficked.

¶25. (C) Khamzayeva also reported that another positive development was the formation of provincial-level anti-trafficking committees composed of local officials and NGO representatives, a rare example of government officials partnering with genuinely independent NGOs (Note: On October 2, poloff met with the chairperson of IOM's partner NGO in Jizzakh province, Nazifa Komilova, who is also now Chairperson of the Jizzakh province anti-trafficking committee. End note.) Khamzayeva also reported that Gulnora Karimova, President Karimov's daughter, who is now the Uzbek Ambassador to the United Nations in Geneva, reportedly met recently with IOM officials. She believed this was potentially a sign that the government might soon move to officially register IOM in Tashkent (Comment: Due to its lack of official registration, IOM has operated in Tashkent as a local NGO, Istiqbolli Avlod. End comment).

OFFICIALS ACCUSE ACTIVISTS AND NGOS OF BIASED REPORTING

¶26. (C) On September 21, the MOI officials accused activists and international organizations of bias in their reporting on human rights cases in Uzbekistan, referring specifically to the case of journalist Salidjahon Abdurakhmanov, who was arrested in June on drug charges in Uzbekistan's Autonomous Republic of Karakalpakstan. Contrary to reports from activists and relatives, the officials claimed that Abdurakhmanov was not singled out and punished for his journalism, which was often critical of local Karakalpak authorities, but was one of roughly 30 individuals who were arrested on June 7 as part of an anti-narcotics sweep in Nukus. The officials also claimed that tests had found drug residue on Abdurakhmanov's lips and underneath his fingernails. Abdurakhmanov was sentenced on October 10 to ten years' imprisonment for possessing narcotics with the intent to distribute (ref A). Friik added that Uzbekistan "has no political prisoners."

¶27. (C) A certain amount of bluster on human rights is to be expected from Uzbek officials, who know their words are surely to be reported up the chain of command and are therefore naturally reluctant to openly criticize official government policy in front of foreign diplomats. Nevertheless, the officials appeared sincere in their willingness to seek human rights cooperation with the United States in certain areas, especially in implementing recent legal reforms, including the habeas corpus and anti-human trafficking laws. As most knowledgeable international observers in Tashkent have already concluded, the government tends to respond better to offers of engagement than blunt criticisms of its human rights record (ref B). By offering human-rights related assistance, we may be able to help bridge the gap between paper reforms and their implementation on the ground, as well as build trust with reform-minded officials that may eventually translate to greater progress on human rights down the road. Frankly, there is no real alternative. Renewed talks of sanctions will most likely not result in further human rights concessions from the Uzbeks, but rather a breakdown in dialogue.

¶28. (C) Government officials previously have expressed interest in receiving assistance from the United States on implementing the habeas corpus law, but they also recently denied a concrete offer for ABA to administer a habeas corpus-related project with INL funds. It is difficult for us to square the various mixed signals we receive, but it is possible that offers of such assistance are not reaching the highest levels of the GOU, either because mid-level officials are afraid to pass along such offers up the chain of command or because a particular part of the government (most likely the National Security Service) is actively blocking attempts at cooperation. Nevertheless, the German government is already providing such assistance to the GOU, and the EU plans to include Uzbekistan in a regional judicial reform project that begins in January 2009 (ref B). While we do not seek to duplicate the efforts of EU governments, their existing cooperation with the government suggests that it is genuinely interested in receiving some international human rights assistance. We believe a visit by the DRL Assistant Secretary or PDAS would enable the message -- that the United States is interested in providing assistance -- to reach higher levels of the government, and this in turn could pave the way for such cooperation to finally be realized.

NORLAND